

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED THERAPEUTICS)	
CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 23-975-RGA-SRF
)	
LIQUIDIA TECHNOLOGIES, INC.,)	
)	
Defendant.)	

**LIQUIDIA TECHNOLOGIES, INC.'S LETTER TO
THE HONORABLE RICHARD G. ANDREWS**

OF COUNSEL:
Sanya Sukduang
Phillip E. Morton
Jonathan Davies
Adam Pivovar
Brittany Cazakoff
Rachel Preston
COOLEY LLP
1299 Pennsylvania Avenue, NW
Suite 700
Washington, DC 20004-2400
(202) 842-7800

Ivor Elrifi
COOLEY LLP
55 Hudson Yards
New York, NY 10001-2157
(212) 479-6000

Karen E. Keller (No. 4489)
Nathan R. Hoeschen (No. 6232)
Emily S. DiBenedetto (No. 6779)
SHAW KELLER LLP
I.M. Pei Building
1105 North Market Street, 12th Floor
Wilmington, DE 19801
(302) 298-0700
kkeller@shawkeller.com
nhoeschen@shawkeller.com
edibenedetto@shawkeller.com
Attorneys for Defendant

Daniel Knauss
Lauren Strosnick
Kyung Taeck Minn
Sam Blankenship
COOLEY LLP
3175 Hanover Street
Palo Alto, CA 94304-1130
(650) 843-5000

Dated: April 8, 2024

Dear Judge Andrews:

Liquidia Technologies Inc. (“Liquidia”) submits this letter in accordance with the Court’s March 13, 2024 Order directing Liquidia to file a specific description of what it has relied upon from *United Therapeutics Corp. v. Liquidia Techs. Inc.*, C.A. No. 20-755-RGA (D. Del.) in its brief opposing United Therapeutics Corporation’s (“UTC”) Motion for Preliminary Injunction (“PI Opposition”) in *United Therapeutics Corp. v. Liquidia Techs. Inc.*, C.A. No. 23-975-RGA (D. Del.). (D.I. 476.) Liquidia lists below the materials it used and did not use, in the brief and the Expert Declaration of Dr. Richard Channick. No materials from Case No. 20-755-RGA were used in the Expert Declaration of Dr. Douglas Kidder.

Material(s) Cited	Citation	Where Cited in PI Opposition	Description of Citation
Initial Expert Report of Aaron Waxman, M.D. Ph.D.	¶¶ 73-75	PI Opposition at 8, 10. Expert Declaration of Dr. Channick at ¶ 87 n. 129.	Studies on inhaled treprostinil, which showed improvements in hemodynamic ¹ parameters and exercise capacity, demonstrating that treprostinil is therapeutically effective.
Reply Expert Report of Aaron Waxman, M.D. Ph.D.	¶¶ 22-24	Expert Declaration of Dr. Channick at ¶ 87 nn. 128, 129.	Hemodynamic effects are beneficial for determining a drug’s therapeutic effectiveness against pulmonary hypertension.
Initial Expert Report of Andrew Clark, Ph.D.	¶¶ 60-61	PI Opposition at 8, 10.	Improvements in exercise ability and in hemodynamics are both considered therapeutically effective benefits of treprostinil.
Rebuttal Expert Report of Andrew Clark, Ph.D.	¶¶ 34, 46	PI Opposition at 7.	The ’793 patent, which Liquidia asserts is prior art in its PI Opposition, discloses the administration of treprostinil by inhalation in the amount of 15-90 µg delivered in 1-3 breaths as well as pulsed inhalation devices and dry powder inhalers.

¹ Hemodynamics refers to the flow of blood through the arteries and veins and the forces that affect this flow.

Material(s) Cited	Citation	Where Cited in PI Opposition	Description of Citation
January 14, 2022 Depo. Tr. of Andrew Clark, Ph.D.	57:5-60:2	PI Opposition at 8, 10.	Pulmonary hypertension drugs that affect a patient's hemodynamics are generally considered therapeutically effective.
	55:19-56:3	Expert Declaration of Dr. Channick at ¶ 40 n. 22; ¶ 87 n. 130.	Hemodynamic improvements are a prerequisite for a drug to have a long-term clinical benefit, such as an improvement in exercise capacity.
September 15, 2021 Depo. Tr. of Lewis Rubin, M.D.	38:3-39:15	PI Opposition at 6.	Describing pulmonary hypertension WHO Groups 1-5.
UTC's Statement of Contested Facts (D.I. 322 Exhibit 2)	¶ 268	PI Opposition at 11	The '793 patent claims a dry powder inhaler for the administration of treprostinil.
	¶ 277	PI Opposition at 8, 10, 11.	Hemodynamic assessment is beneficial for determining the therapeutic effectiveness of a drug for treating pulmonary hypertension.
	¶¶ 320, 323	PI Opposition at 11.	The '793 patent covers inhaled treprostinil approved to treat a broad range of pulmonary hypertension patients including those with pulmonary hypertension due to interstitial lung disease.
	¶¶ 337-338	PI Opposition at 11. Expert Declaration of Dr. Channick at ¶ 87 n. 127.	A POSA would have understood that the '793 patent includes WHO Groups 1, 3 (which includes PH associated with interstitial lung disease), 4, and some patients in WHO Group 5.

Materials Not Used

- Expert Reports and cited exhibits of:
 - Dr. Nicholas Hill
 - Dr. Igor Gonda
 - Dr. Jason McConville
- Deposition transcripts and cited exhibits of:
 - Dr. Nicholas Hill
 - Dr. Aaron Waxman
 - Dr. Igor Gonda
 - Dr. Jason McConville
 - Dr. Werner Seeger
 - Gregory Bottorff
- Defendant's Statement of Contested Facts (D.I. 322 Exhibit 3)

Respectfully submitted,

/s/ Nathan R. Hoeschen

Nathan R. Hoeschen (No. 6232)

cc: Clerk of the Court (by hand delivery)
All counsel of record (by e-mail)